

**FAYETTE COUNTY, KENTUCKY LOCAL EMERGENCY PLANNING COMMITTEE (LEPC)
BY-LAWS OF THE LEPC**

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ARTICLE I Name

The name of this Organization shall be the Local Emergency Planning Committee for Fayette County (hereinafter "Fayette LEPC").

ARTICLE II Purpose

The purpose of the Fayette LEPC is to carry out the duties and powers of local emergency planning committees as specified in the Emergency Planning and Community Right-To-Know Act of 1986, P.L. 99-499 (the "Act") and in KRS 39E et seq.

ARTICLE III Duties and Functions

The functions and duties of the Fayette LEPC shall include, but not necessarily be limited to, the following:

- A. To prepare and update an Emergency Plan in accordance with Section 303 of the Act and KRS 39E.
- B. Adopt rules by which the Fayette LEPC shall function, to include but not necessarily be limited to, provisions for public notification of Fayette LEPC activities, public meetings to discuss the Emergency Plan, response to public comments by the Fayette LEPC, and distribution of the Emergency Plan.
- C. Establish procedures for receiving and processing requests from the public for information under Section 324 of the Act, including Tier II information under Section 312 of the Act.
- D. Cooperate with the Lexington-Fayette County Government Division of Environmental and Emergency Management (hereinafter "DEEM") in an effort to ensure that the Emergency Plan developed by the Fayette LEPC is consistent with the county-wide disaster plan developed by DEEM.

ARTICLE IV Membership

A. Fayette LEPC

1. Composition

The Fayette LEPC shall be composed of members appointed by the Kentucky Emergency Response Commission and shall include representatives from, but not limited to, each of the following groups or organizations: elected local officials, law enforcement, disaster and emergency services, fire fighting, first aid, health, local environmental, hospital, and transportation personnel; broadcast and print media; community groups; and owners and operators of facilities subject to the requirements of the aforesaid Act and KRS 39E et seq.

2. Term

The term of appointment of Fayette LEPC members shall be for such a period as designated by the Kentucky Emergency Response Commission though not to exceed four years except by reappointment.

3. Vacancies/Substitutions

Any vacancy, resignation, or request for substitution of any member of the Fayette LEPC shall first be brought to the attention of the Fayette LEPC Chairman who shall meet and agree with the Executive Committee that a change is appropriate.

Thereafter, the Chairman of the Fayette LEPC shall write to the Chairman of the Kentucky Emergency Response Commission and request that a change in the Fayette LEPC membership be made.

Upon receipt by the Fayette LEPC Chairman of an interim appointment letter or other appropriate document from the Chairman of the Kentucky Emergency Response Commission, a new member of the Fayette LEPC may be permitted to attend and vote on matters in a provisional capacity until such time as the final letter of appointment is received by the Chairman of the Fayette LEPC which will assure full vesting of the newly appointed member's rights to act on the Fayette LEPC.

4. Attendance

If a Fayette LEPC member misses three (3) consecutive meetings or three (3) meetings in two (2) consecutive years of the full Fayette LEPC, the position shall be declared vacant. The Chairman of the Fayette LEPC shall then proceed to fill the vacancy according to Article IV(A)(3).

It is recognized that participation, including but not limited to attendance at meetings, in subcommittee activities by members of the LEPC is important.

Upon motion by a co-chair of a subcommittee, the Executive Committee shall review the participation of a particular member and may declare the position vacant or reassign the member to another subcommittee as the Executive Committee deems appropriate. If the position is declared vacant, the Chairman of the LEPC shall then proceed to fill the vacancy according to Article IV(A)(3).

B. Executive Committee

The management and conduct of the business of the Fayette LEPC shall be vested in an Executive Committee composed of the Co-Chairmen of the Subcommittees appointed by the Chairman of the Fayette LEPC and those persons holding the offices of Chairman, Vice Chairman, Secretary, Treasurer, Community Emergency Coordinator, and Official Custodian of Records.

The Executive Committee is authorized to (1) approve or disapprove proposals for action by the Fayette LEPC, pending ratification of Executive Committee action by the Fayette LEPC at its next scheduled meeting, whether a regular or special meeting, and (2) recommend changes in Fayette LEPC membership as a result of vacancy, resignation, request for substitution, or removal in accordance with any absenteeism policy.

C. Subcommittees

The Chairman of the Fayette LEPC may appoint members and co-chairmen to serve on Subcommittees to consider and report to the Fayette LEPC on subjects relating to the duties and functions of the Fayette LEPC which the Chairman of the Fayette LEPC finds require special attention, expertise or investigation.

The term of appointment of each Subcommittee member and Subcommittee co-chairman shall be for such period of two years as designated by the Chairman of the Fayette LEPC.

ARTICLE V Voting

A. Fayette LEPC

A majority of the members of the Fayette LEPC shall constitute a quorum for transaction of business. Binding action by the Fayette LEPC shall be by majority vote of the members present at a regular or special meeting at which a quorum is present.

B. Executive Committee

A majority of the members of the Executive Committee shall constitute a quorum for transaction of business. Binding action of the Executive Committee shall be by majority vote of the members present at the meeting at which a quorum is present; provided, however, that each Subcommittee represented at the meeting shall have only one vote.

C. Subcommittees

The members of the Subcommittee present at any meeting of that Subcommittee shall constitute a quorum for transaction of business. Binding action shall be by majority vote of the members present at the meeting at which a quorum is present.

ARTICLE VI Officers

A. Elected Officers

The Fayette LEPC shall elect from its members a Chairman, a Vice Chairman, a Secretary, a Treasurer, a Parliamentarian, a Community Emergency Coordinator, and an Official Custodian of Records. These officers shall be elected at the first regular meeting of the Fayette LEPC or as soon thereafter as possible.

The terms of these elected officers shall be two years, and the members holding these offices shall be eligible for reelection at the end of their respective terms.

If an officer resigns or the office otherwise becomes vacant before the expiration of the term, the Chairman, or in the event of a vacancy of the office of Chairman, the Executive Committee, shall appoint a replacement who shall serve until the next regular or special meeting of the Fayette LEPC at which time the vacancy shall be filled by election for the remainder of the term.

B. Duties of Elected Officers

1. Chairman

The Chairman of the Fayette LEPC shall preside at all regular and special meetings of the Fayette LEPC and Executive Committee, sign any documents as designated by the Fayette LEPC, and perform such other duties as the Fayette LEPC and Executive Committee may designate.

2. Vice Chairman

The Vice Chairman shall perform all the duties of the Chairman in the temporary absence or disability of the Chairman, except as otherwise provided by the Fayette LEPC and these By-Laws, and such other duties as the Chairman may designate.

3. Secretary

The Secretary shall keep a record of the proceedings of the Fayette LEPC and shall prepare all minutes and special actions of any meeting of the Fayette LEPC, shall certify all minutes and official documents of the Fayette LEPC, and perform such other duties as the Chairman may designate.

4. Treasurer

The Treasurer shall handle monies collected by the Fayette LEPC and shall keep and report on records of all monies collected and spent, and perform such other duties as the Chairman may designate. The Treasurer shall be responsible for accountability for any grant monies awarded to the Fayette LEPC pursuant to federal or state law and shall be the Fayette LEPC's authorized applicant for purposes of requesting grant funds.

5. Parliamentarian

The Parliamentarian shall be responsible for compliance by the Fayette LEPC with parliamentary procedure in accordance with Article VIII of the By-Laws, and shall advise the Executive Committee and Subcommittees on proper parliamentary procedure.

6. Community Emergency Coordinator

The Community Emergency Coordinator shall receive notices of releases under Section 304 of the Act and carry out such other duties as specified in the Act and in KRS 39.800, et seq.

7. Official Custodian of Records

The Official Custodian of Records shall be responsible for managing the receipt and processing of requests from the public for plans, data sheets, forms, Tier I and Tier II information, as well as insuring that an annual notice appears in the local newspaper that the Emergency Plan and other documents required by the Act have been submitted to the Fayette LEPC and are available for review by the public at a location designated by the Fayette LEPC; shall advise the Subcommittee co-chairmen of mechanisms for complying with public notice requirements; and shall perform such other duties as the Chairman may designate.

ARTICLE VII Fayette LEPC Meetings

A. Regular Meetings

The regular meetings of the Fayette LEPC shall be held semi-annually, at a minimum, and at such reasonable time and place as designated by the Chairman. Five days written notice of the meeting shall be given to members. Notice of the meeting shall be given to the public by the Official Custodian of Records at least twenty-four hours in advance of the meeting.

B. Special Meetings

The Chairman of the Fayette LEPC may call a special meeting of the Fayette LEPC to consider specified issues by either written or oral communication giving the time and place of such meeting and stating the purpose(s) for which the meeting is called, provided that each member receives at least forty-eight hours notice of the meeting. Notice of the meeting shall be given to the public at least twenty-four hours in advance of the meeting.

C. Executive and Subcommittee Meetings

The Chairman of the Executive Committee and the Co-Chairman of a Subcommittee may call a meeting of the respective group by either written or oral communication giving the time and place of such meeting, provided that each member receives at least forty-eight hours notice thereof. Notice of the meeting shall be given to the public at least twenty-four hours in advance of the meeting.

ARTICLE VIII Parliamentary Authority

The rules contained in the current edition of Robert's Rules of Order, Newly Revised, shall be followed by the Fayette LEPC, Executive Committee and Subcommittees, in all cases to which they are applicable and not inconsistent with these By-Laws.

ARTICLE IX Adoption and Amendment of By-Laws

These By-Laws may be amended by majority vote during any regular or special meeting of the Fayette LEPC at which a quorum is present; provided that, the Amendment thereto has been submitted in writing to each member of the Fayette LEPC five days in advance of the call for vote on the amendment to the By-Laws.

ARTICLE X Effective Date

These By-Laws shall become effective upon adoption by the Fayette LEPC but shall relate back to the time of the first meeting of the Fayette LEPC as if fully adopted at that time.